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Written submission by the Greek National Commission for Human Rights*.

Note by the Secretariat

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* National human rights institution with "A"-status accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

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Annex

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Written submission by the Greek National Commission for Human Rights

I. Introductory remarks on combating domestic violence in Greece

1. Greece ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1983 and its Optional Protocol in 2002. Greece is also party to other relevant international instruments relating to human rights, such as the International Covenant on Civil and Political Rights (ICCPR) and its two Optional Protocols, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and its two Protocols, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The European Convention on Human Rights is also relevant.

2. Greece has signed (11.5.2011) but not yet ratified the CoE Convention on preventing and combating violence against women and domestic violence ("Istanbul Convention").

3. Until 2006, Articles 336 (1) and 338 (1) of the Greek Penal Code (Pen.C.) prohibited only "*extra-marital*" "*rape*"and "*sexual abuse*". Law 3500/2006 "on combating domestic violence" criminalised marital rape and marital sexual abuse by deleting the term "*extra-marital*" from these provisions. Rape or sexual abuse of any other family member was (and still is) punishable under Articles 336 and 338 Pen.C., along with incest (art. 345 Pen.C).

4. Law 3500/2006 defines as "domestic violence" the perpetration of the offences provided by its provisions and by some Pen.C. provisions (Article 1) and introduces more severe penalties for them. It also, inter alia, introduces a penal mediation procedure, prohibits violence against or in the presence of minors and ensures protection to victims by facilitating their access to justice and guaranteeing their safety inside and outside the home. Law 3500/2006 also covers stable partnerships between a man and a woman who are not married.

II. The Greek legislation on combating domestic violence and its implementation

A. The Greek legislation

5. The Greek National Commission for Human Rights (GNCHR) welcomed the Bill that became Law 3500/2006. However, it highlighted some weaknesses and gaps of the Bill,[1] a few of which were remedied.

6. The Law still does not fully and effectively deal with domestic violence. In particular, it does not criminalise all offences of domestic character and does not address the essence of the phenomenon of violence against women nor its root causes (the persisting roles of "man-master" and "woman-servant"). Moreover, it does not create legal certainty, as most of its provisions are not incorporated in the Codes, subject matters of which it regulates, such as the Penal Code, the Civil Code, the Codes of Penal and Civil Procedure. In particular, the GNCHR has observed that:

(a) The acts criminalised by the Law were already covered by the Pen.C, except for marital rape, marital sexual abuse and acts committed in the presence of minors. This creates confusion as to which acts are regulated by the Pen.C or Law 3500/2006.

(b) The Law is gender-neutral regarding perpetrators and victims. It fails to address the reasons why in practice the perpetrator - husband or partner of the female victim - mostly escapes punishment.

(c) No *ad hoc* institution to deal with the matter is established.

(d) It is questionable whether the penal mediation introduced is constitutional (the Prosecutor, to whom it is entrusted, is given judicial competences incompatible with his/her office) and effective.

(e) The police and the Prosecutor remain the main actors of the pre-judicial phase, although they have proven to be unsuitable for the task, while the establishment of an *ad hoc* specialised body, such as a body of family social workers, is not provided for.

B. The implementation of the Greek legislation

7. Law 3500/2006 is an important step forward. However, domestic violence against women and children has not significantly decreased[2]. The GNCHR has deplored that while there are many such cases, **very few perpetrators are prosecuted and punished**. This is a main concern of the Committee against Torture as well, which also deplores that the Greek Pen.C does not list rape and other acts of sexual violence as forms of torture, but as "serious breaches of sexual dignity"[3].

The GNCHR also deplores the non ratification of the Istanbul Convention

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[1] GNCHR, "Comments on the Bill entitled Combating Domestic Violence", 09.02.2006, summary in English, available at http://www.nchr.gr/images/English_Site/GYNAIKES/Domestic%20Violence%202006.pdf.

[2] GNCHR Observations on the Draft of the Second Periodic Report of the Hellenic Republic for the ICCPR, available at: http://www.nchr.gr/images/English_Site/EllinikesEkthesеis/English_Observations_on_Draft_Report.pdf.

[3] UN Committee against Torture, Conclusions and Recommendations: Greece, CAT/C/GRC/CO/5-6 (27.6.2012), para. 23.

8. Raising awareness to the phenomenon of domestic violence is still needed, mainly due to persisting **patriarchal attitudes and deeply rooted stereotypes** regarding the role and responsibilities of women and men, as well as discriminatory practices. The CEDAW Committee has deplored the lack of state measures to eliminate stereotypes and negative traditional attitudes and practices.

9. There are only a few **studies** on violence against women and domestic violence and their root causes, and no **statistical data** on violence based on sex, age, minority/ethnic origin and the relationship between the perpetrator and the victim.

10. The UN Committee against Torture urges state authorities to organise wide **awareness-raising campaigns and training courses** on the prevention of violence against women and girls, for officials who are in direct contact with victims (law enforcement officers, judges, lawyers, social workers, etc.) and the general public[4].

III. The National Action Plan on Preventing and Combating Violence against Women 2009 – 2013

11. A National Action Plan on Preventing and Combating Violence against Women 2009 – 2013, drawn up by the General **Secretariat for Gender Equality (GSGE)** of the **Ministry of the Interior** to address all forms of gender-based violence (e.g. domestic violence, rape, sexual harassment, trafficking in women), comprises horizontal and vertical preventive actions and support to victims.

12. **Horizontal actions** include the following:

- Establishment and operation of a nationwide bilingual (Greek and English) SOS telephone helpline 15900 and the sos15900@isotita.gr e-mail address, which operate 24 hours / 365 days a year, offering advice and support to women victims of violence[5]. The helpline is confidential and staffed by specifically trained counsellors. It is funded by the State and the EU National Strategic Reference Framework (NSRF) 2007-2013 and charges a local call. Victims are also referred to other specialized structures.
- Elaboration of training material and protocols of operation of the Counselling Centers.
- Awareness-raising campaigns, including seminars, conferences, information material, TV and radio spots, webpage and banners in webpages, to promote, in particular, the specialized structures (SOS Helpline, Counselling Centers, Shelters).

13. **Vertical actions** include the following:

- A second **SOS Helpline "197"** operated by the National Centre of Social Solidarity (EKKA). It is free of charge and operates 24 hours/7 days a week, offering information, counselling and referral to any person facing a crisis, including women victims of domestic violence or trafficking or other kinds of violence. Women survivors may also seek help via email (helpline197@ekka.org.gr). The helpline is state-funded, mainly by the Ministry of Labour and Social Security.
- A penal mediation programme according to Law 3500/2006.
- There are currently 40 women's counselling centers, of which 15 are run by the GSGE and 25 by the largest municipalities. Some of the centers are run as non-

[4] UN Committee against Torture, Conclusions and Recommendations Greece, loc. cit.
[5] See www womensos gr

residential services provided by some of the women's shelters. All centers provide free of charge psycho-social support, information and advice, legal counselling, and legal aid in cooperation with Local Bar Associations[6].

- There are currently 21 women's shelters which accept battered women and their children for a maximum of three months: 19 run by local authorities and funded by the State and the NSRF 2007-20132, and 2 state-funded, run by EKKA[7]. However, the number of places is insufficient, so that Greece does not seem to comply with relevant CoE Recommendations[8].
- Police authorities dealing with domestic violence cases must inform the above services, if requested by the victim (Article 21(2) Law 3500/2006). The GNCHR applauded a Police Manual on the handling of domestic violence cases (2005), providing guidance to police officers and citizens, in particular female domestic violence victims.

14. GNCHR welcomed the protection measures for victims of domestic violence included in the National Plan; however it highlighted that female victims are not always ensured **effective access to justice**. While applauding the exemption of domestic violence victims from court fees required for lodging a complaint (Article 28 Law 4055/2012), the GNCHR stressed that increasing court fees and the fact that women are unaware of their rights and of the means to exercise them, still hinder their protection[9].

15. Moreover, GNCHR has repeatedly expressed its concern about the fact that measures so important for the promotion and protection of human rights essentially depend on EU programs for their funding. A targeted and effective strategy for women's rights protection and promotion should be integrated in a framework of public, free-of-charge services, steadily provided and state-funded. However, unfortunately, in the current dramatic economic situation of our country, this is very difficult to achieve.

IV. National statistics

A. National criminal statistics

16. Statistics on domestic violence are collected by the police and are publicly available. They present all cases investigated by the police and include the number of domestic violence victims. The data are gender- and age-disaggregated for victims only. Although the gender of perpetrators is also provided, it is not linked to the victim's gender; hence, the number of female victims of male perpetrators cannot be deduced. For femicides, the gender (not age) of perpetrators is provided. This information is further disaggregated to show the relationship between victim and perpetrator. Information on femicides shows 17

[6] GSGE Press release 03.06.2015, available at http://www.isotita.gr/index.php/press/c58

[7] Ibidem.

[8] See Recommendation Rec(2002)5 of the Committee of Ministers to member states on the protection of women against violence, available at: https://wcd.coe.int/ViewDoc.jsp?id=280915; The Council of Europe Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV): http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Intro_Task_Force_EN.asp; Women against Violence Europe (WAVE), Country Report 2013, p. 99, available at: http://www.wave-network.org/sites/default/files/02%20Greece.pdf; WAVE Report 2014, p. 62, available at: http://www.wave-network.org/sites/default/files/ WAVE%20Country%20Report%202014.pdf.

[9] GNCHR Recommendations on the Bill on "Fair satisfaction due to the excess of the reasonable length of proceedings in civil and criminal courts and the Court of Auditors", 30.1.2014, available at: http://www.nchr.gr/images/pdf/apofaseis/dikaih_dikh/SN%20Dikaih%20ikanopoihsh.pdf

women murdered in 2011 and a total of 70 women murdered since 2007 by a male in a domestic context. Of the 70 women murdered, 46 were killed by their intimate partner (26 by their husband, 6 by their former husband and 14 by another intimate partner)[10]. 149 rapes and 85 rape attempts were reported in 2013, and 134 rapes and 64 rape attempts in 2014[11].

B. The SOS telephone helpline 15900 statistics

17. Since 2011, when its operation started, the Helpline SOS 15900 received 20.000 calls and 203 e-mails[12].

In the 2011-2013 period, 79% of the calls concerned incidents of gender-based violence; 74% were made by the abused women themselves (the rest were made by third parties, mainly friends, parents, other relatives or neighbours).

18. Out of the calls made by victims, 78% concerned domestic violence; 1% sexual harassment; 1% rape; 0.1% were made by sex workers; 0.03% concerned trafficking and 12% other forms of violence. 48% of the female victims of violence were married, while 68% of them were Greek citizens.

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[10] European Anti-Violence Network (March 2013). Information provided based on data received from the National Police. See also WAVE, Country Report 2012, p. 115, available at: http://www.wave-network.org/sites/default/files/05%20GREECE%20END%20VERSION.pdf.

[11] Hellenic Police statistics, available (in Greek) at: www.astynomia.gr/images/stories/2014/statistics14/2014epikrateia.xls.

[12] GSGE, Press Release 03.06.2015, available at http://www.isotita.gr/index.php/press/c58.